

U.S. Department
of Transportation

United States
Coast Guard



Commander
Eighth Coast Guard District
Hale Boggs Federal Building

501 Magazine Street
New Orleans, LA 70130-3396
Staff Symbol: (moc)
Phone: (504) 589-6271

16711

10 June 1998

From: Commander, Eighth Coast Guard District
To: Distribution

Subj: GRANTING OF NAVIGATION SAFETY EQUIPMENT EXEMPTIONS

1. Enclosure (1) was previously distributed to field units to provide guidance on the issuance of navigation safety equipment exemptions on towing vessels.
2. The purpose of this letter is to clarify policy regarding navigation safety equipment exemptions on towing vessels used exclusively in conjunction with dredging operations. OCMI/COTPs are urged to grant equipment exemptions to vessels which are engaged exclusively in support of dredging operations where the primary dredging vessel is equipped with the required navigation safety equipment.
3. Questions regarding this matter may be referred to the Eighth District program manager, LCDR Michael Brown at (504) 589-6271.

A handwritten signature in cursive script, reading "Guy A. Tetreau".

G. A. TETREAU
By direction

Encl: (1) CCGD8(moc) ltr 16711 of 02 July 97

Dist: All Eighth District MSOs and MSU and MSDs

Copy: COMDT (G-MOV-3)

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16711
2 July 1997

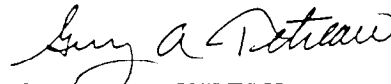
From: Commander, Eighth Coast Guard District
To: Distribution

Subj: GUIDELINES FOR NAVIGATION SAFETY EQUIPMENT EXEMPTIONS

Ref: (a) Federal Register of 03 Jul97, Vol. 61, No. 129 pp.
35064-76, Navigational Safety Equipment for Towing
Vessels; Final Rule

1. Reference (a) is a final rule regarding navigational safety equipment for towing vessels. It contains provisions for automatic and COTP issued exemptions. The enclosed documents developed by Western Rivers MSOs, industry personnel and district staff, are provided for your information and potential use. While they were primarily developed for use in the Western Rivers Region, they provide some concepts that may help standardize COTP exemption actions throughout the district.

2. Questions regarding this matter should be directed to me at (504) 589-3624.


GUY A. TETREAU
By direction

Encl: (1) Exemption guidelines
(2) Sample exemption letter
(3) Exemption application

Dist: All Eighth District MSOs, MSU and MSDs

SUGGESTED GUIDELINES FOR GRANTING EXEMPTIONS FROM THE NAVIGATION
SAFETY EQUIPMENT REQUIREMENTS FOR TOWING VESSELS

Reference: 33 CFR Part 164, Final Rule published July 3, 1996
Effective date: August 2, 1996
Effective date, radar requirements: August 2, 1997

Purpose: This document provides guidelines for COTPs to consider when evaluating, on a case-by-case basis, requests for navigation safety equipment exemptions for towing vessels. It also provides elaboration on the specific operating parameters that should be met for the automatic exemptions to apply. Exemptions from navigation safety regulations are to be considered only for those items listed under Part 164.70 through 164.82.

As a result of catastrophic accidents and spills such as the Sunset Limited in Alabama and the Berman spill in Puerto Rico, the above reference established new requirements for towing vessels to carry and properly use equipment such as radars, compasses, marine charts or maps, and publications. It also requires that they carefully choose, inspect, and maintain towlines. 33 CFR 164.01(b) establishes the availability of navigation equipment exemptions for towing vessel owners. It grants automatic exemptions, which apply without a request, to vessels operating within certain narrow parameters. It also gives COTPs broad authority to consider and grant other exemptions.

The request for an exemption of the navigation safety equipment addressed in 33 CFR 164.72 will be written and vessel specific. A sample exemption request and approval letter are included for your use.

DEFINITIONS:

Line Haul Boats: Towboats primarily engaged in transportation over long distances and typically manned for 24 hour operations.

Fleet Boats: Towboats primarily used to build tows, maintain barge fleets, operate within a specific geographic area and not always manned for 24 hour operations.

Special Purpose Boats: Towboats other than those above whose primary purpose is to assist with salvage, construction, demolition, or other similar operations and not always manned for 24 hour operations.

Limited Geographic Area: A restricted area of operation used primarily by fleet boats usually confined to an approved fleeting area, commercial facility, harbor or ACOE permitted landing. A limited geographic area shall be completely out of the navigational channel. Generally, rivers without an established channel, that are navigable bank to bank, will not normally be considered a limited geographic area.

EXEMPTION CLASSIFICATIONS:

Fleet boat exemption (46 CFR 164.01(b)(1)): To apply, the vessel must be used SOLELY in a limited geographic area, AND solely for restricted service.

Assistance towing exemption (46 CFR 164.01(b)(2)): See definition in 46 CFR 10.103. To apply, the vessel must be used SOLELY for assistance towing.

Pollution response exemption (46 CFR 164.01(b)(3)): To apply, the vessel must be used SOLELY for pollution response.

COTP issued exemption (46 CFR 164.01(b)(4)): This exemption may be issued by the COTP for a specified route and conditions if, in the judgement of the COTP, the exemption would allow for safe navigation of the vessel under anticipated conditions. The exemption request shall be made in writing and enclosure (3) may be used to assist in the preparation of this application. The exemption response shall also be in writing and enclosure (2) may be used to assist in the preparation of this response. This exemption is only valid for the requirements of 164.72.

It is envisioned that this exemption will have a wide scope, but a primary source of requests may be fleet boats who must operate outside a limited geographic area as defined above (particularly in smaller rivers which are navigable bank to bank), and therefore do not meet the automatic exemption criteria in paragraph 1. In this case, the following operation limitations may be useful tools for maintaining safety while granting exemptions.

Vessels Operating immediately adjacent to a Limited Geographic Area (e.g. Movement from within to immediately outside the vessel's designated fleeting area into the navigable portion of the waterway):

- *Clear visibility:* No movement limitations.
- *Restricted visibility:* A security call shall be made prior to temporarily entering the navigation channel if the towboat operator cannot see beyond the upper/lower end of the landing, across the river, or twice the length of the tow. A listening watch shall be maintained on channels 13 and 16 VHF-FM (also channel 67 if operating on the Lower Mississippi and tributaries.)
- *Zero visibility:* Cease all movement.

Vessels Operating within a Specified Route (e.g. Fleet boat moving between separated fleeting areas or special purpose boats):

- *Clear visibility:* No movement limitations.
- *Restricted visibility:* Movement at the discretion of the licensed mariner with adherence to all applicable navigation rules. If another vessel is within one mile, temporarily secure vessel to the nearest fleeting area, or safe location, until the other vessel safely passes. A listening watch shall be maintained on channels 13 and 16 VHF-FM (also channel 67 if operating on the Lower Mississippi and tributaries.)
- *Zero visibility:* Cease all movement.

Safety Equipment Exemption Items: - 33 CFR 164.72

Consultation between MSOs and industry has determined the following items are feasible for exemption. Under most circumstances, only items marked with a Y (yes) should be considered for exemption.

	<u>Line Haul</u>	<u>Fleet Boat</u>	<u>Special Purpose</u>
1. Radar	N	Y	Y
2. Searchlight	N	N	N
3. VHF-FM radio	N	N	N
4. Compass/Swing Meter	Y	Y	Y
5. Charts/maps	N	Y	Y
6. CG Light List	Y	Y	Y
7. ACOE/USCG Notices	Y	Y	Y

Tests and Inspections: - 33 CFR 164.80

Some local vessels that operate for limited portions of the day with the same crew may not meet the regulatory requirement for testing navigational equipment under 33 CFR 164.80. For these vessels, the following test intervals should be considered for inclusion as a condition of any exemption granted:

	<u>Line Haul</u>	<u>Fleet Boats</u>	<u>Special Purpose</u>
Frequency	Lessor of 30 days or at change of Captain	14 days	14 days

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DATE 1997

Vessel Owner

Dear Mr. Owner;

After careful review of your request for an exemption of the navigation safety equipment for towing vessels, 33 Code of Federal Regulation Part 164, I will grant an exemption to the regulations subject to the following conditions:

a. Your vessel will operate strictly within the designated route, frequency of transit, and tow size identified on your exemption application request dated _____.

b. Vessels exempted from the radar requirements shall abide by the following operating procedures:

Vessels Operating immediately adjacent to a Limited Geographic Area (e.g. Movement from within to immediately outside the vessel's designated fleeting area into the navigable portion of the waterway):

- *Clear visibility:* No movement limitations.
- *Restricted visibility:* A security call shall be made prior to temporarily entering the navigation channel if the towboat operator cannot see beyond the upper/lower end of the landing, across the river, or twice the length of the tow. A listening watch shall be maintained on channels 13 and 16 VHF-FM (also channel 67 if operating on the Lower Mississippi and tributaries.)
- *Zero visibility:* Cease all movement.

Vessels Operating within a Specified Route (e.g. Fleet boat moving between separated fleeting areas or special purpose boats):

- *Clear visibility:* No movement limitations.
- *Restricted visibility:* Movement at the discretion of the licensed mariner with adherence to all applicable navigation rules. If another vessel is within one mile, temporarily secure vessel to the nearest fleeting area, or safe location, until the other vessel safely passes. A listening watch shall be maintained on channels 13 and 16 VHF-FM (also channel 67 if operating on the Lower Mississippi and tributaries.)
- *Zero visibility:* Cease all movement.

c. Your vessel shall carry a copy of this exemption letter and your Vessel Exemption Application request on the bridge.

d. As a condition for exemption, owners and operators shall conduct the tests required in 46 CFR 164.80 at the following frequencies:

	<u>Line Haul</u>	<u>Fleet Boat</u>	<u>Special Purpose</u>
Frequency	Lessor of 30 days or at change of Captain	14 days	14 days

e. Failure to remain in compliance with any of the above requirements will result in the immediate cancellation of your exemption, and may subject you to civil penalty action. In addition, the actions of the licensed operator will also be investigated.

The Coast Guard remains committed to improving navigational safety for the towing vessel industry. With your assistance and our continued partnering efforts we can achieve that end. If you have any further questions in this matter please contact _____ of my staff at the above number

Sincerely,

Commanding Officer
U. S. Coast Guard

VESSEL EQUIPMENT EXEMPTION APPLICATION

OWNER NAME AND TELEPHONE

NUMBER _____ (____) _____ - _____

VESSEL NAME AND OFFICIAL

NUMBER _____

My vessel meets the exemption criteria of 33 CFR 164.01 because it is used solely for restrictive service and operates within a limited geographic area.

FLEET/FACILITY INFORMATION:

Name of Fleet/Facility _____

Type of Fleet/Facility (PLEASE CIRCLE) Temporary Permanent
Temporary ONLY - Corp of Engineers Permit Number _____

Mile Post of Fleet/Facility with Descending bank _____

Number of Barge Lengths _____

and Widths (1) _____

Navigational Specifics (2) _____

Vessel Route _____

Frequency _____

Tow Size/Cargo _____

Landing & Vessel Procedures Guide in Place (circle one) YES NO

If YES - Copy to be Mailed by Owner to: U.S. COAST GUARD

(1) BARGE LENGTHS AND WIDTHS - List width of fleet for each barge length of fleet/facility beginning at upstream end. For example: 4 lengths x 5 widths then 3 lengths x 4 widths or use linear dimensions.

(2) NAVIGATIONAL/GEOGRAPHIC SPECIFICS - Examples: Current conditions, adjacent bridge piers guarding fleet/facility, other information to aid USCG in decision making process.

NOTICE - MOVEMENT RESTRICTION PROCEDURES DURING RESTRICTED VISIBILITY WILL BE FOLLOWED.

ABSOLUTE COMPLIANCE WITH RADIO MONITORING PROCEDURES, CHANNELS 13 & 16 (& 67 ON LMR), IS ESSENTIAL TO ENSURE NAVIGATIONAL SAFETY.